IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19864 of 2005

Between:

Ch. Srinivasa Rao, S/o. Krishna Murthy,
R/o. 39-10-46, Muralinagar, Visakhapatnam.

..... PETITIONER

AND

1. District Collector, Visakhapatnam District, Visakhapatnam.
2. Visakhapatnam Municipal Corporation,

represented by its Commissioner,

Visakhapatnam.

3. The Project Director, National High Way Authority of India,
   Hanumanthavaka, Visakhapatnam.
4. The Secretary, Ministry of Road Transport & High Ways
   Government of India, Transport Building,

Parliament Street, New Delhi.
5. Reliance India Ltd. (Petroleum Business), 201,

Laxmi Towers, Somajiguda, Hyderabad.
6. Barfani Petroleum Products,

represented by it's Managing Partner, Raghu,
   Opp : National Scientific Technological Laboratory,

National high Way No. 5, Visakhapatnam.

.....RESPONDENTS

The Court made the following:

ORDER:

Being aggrieved by the action of the respondents 1 to 4 in not taking action to stop the construction and erection installation of petroleum retail outlet by R6 on behalf of R5, the present writ petition has been filed.

The main grievance of the petitioner is that the respondent Nos.5 and 6, without obtaining no objection certificate from the first respondent and the necessary clearance from the National Highway Authority, are proceeding to put up retail petroleum products outlet in the locality of the petitioner in violation of the guidelines issued by the Ministry of Road Transport authority, which endangers the crucial drinking water pipeline bringing water to Vizag City and also endangers the green belt on the National High Way. Challenging the same the, the present writ petition has been filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

It is not in dispute that unless permission is given by the fourth respondent, the 6th respondent cannot proceed further for sale of petroleum products. Admittedly, even according to the learned counsel for the fourth respondent, a clearance has to be obtained from the Ministry of Transport Authority before running the out let for sale of petroleum products.

Having regard to the facts and circumstances, without going into the merits of the case, I deem it appropriate to dispose of the writ petition leaving open all the remedies available to the petitioner under law to challenge the proceedings that may be issued by the Ministry of Road Transport Authority.

However, it is made clear that till the clearance is given by the fourth

respondent, the respondent Nos.5 and 6 shall not transact the sale of petroleum products.

With the above observation, the writ petition is disposed of. No costs.

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(K.C. BHANU, J)

Date: 27.09.2005

Ksn